

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LAWRENCE JENSEN,

Defendant.

CR 15–15–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 76.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found, based on a preponderance of the evidence, that Mr. Jensen violated the conditions of his release as alleged in violations (4) and (5).

(Doc. 76 at 2.)

Judge DeSoto recommends that this Court revoke Mr. Jensen's supervised release and sentence him to a custodial sentence of three (3) months imprisonment, followed by a 33-month term of supervised release, subject to the conditions identified at the revocation hearing. (*Id.* at 3.) The Court finds no clear error in Judge DeSoto's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 76) is ADOPTED in full.

Mr. Jensen shall be sentenced in conformity with Judge DeSoto's recommendation in the judgment filed concurrently with this Order.

DATED this 2nd day of November, 2023.



Dana L. Christensen, District Judge
United States District Court